THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.26636 of 1996

Date166.02.2006

Between:

Syed Ghouse Mohiuddin

-------PETITIONER

AND

Mandal Revenue Officer and another.

---------RESPONDENTS

ORDER:

The petitioner seeks a writ of prohibition against the first respondent, from proceeding with the application submitted by the second respondent under Section 5-A of the Andhra Pradesh Rights in Land and Pattedar Pass Books Act 1971 (for short 'the Act').

The petitioner states that he is the owner of the land admeasuring Ac.1.00 in Sy.Nos.249/A and 257 of Attevelly village, Medchal Mandal, R.R.District. He contends that though the second respondent does not have any rights as regards the said land, he filed an application before the first respondent under Section 5-A of the Act, with a prayer to regularize the alleged sale in his favour. The petitioner contends that the last date stipulated for submission of application under Section 5-A is 29.02.1996 and the application submitted by the second respondent cannot be dealt with at all.

Heard the learned counsel for the petitioner and the learned Government Pleader for

Revenue.

Section 5-A of the Act was added through the Act 1 of 1989. It enabled the persons, in occupation of any land by virtue of any alienation in their favour otherwise than through a registered document, to get the transaction regularized. Such a facility has to be availed only within the time stipulated under the Andhra Pradesh Rights in Land and Pattedar Pass Books Rules, 1989 (for short 'the Rules'). Rule 22(2) of the Rules was amended from time to time. In Sub Rule (2) thereof, the date was mentioned as 29.02.1996, on the basis of the orders of the Government issued in G.O.Ms.No.52, Revenue (A & R) dated 11.01.1996, if the date was not further extended, the prayer of the petitioner deserves to be allowed. However, it is evident that after G.O.Ms.No.52, dated 11.01.1996, the Government issued few more G.Os., the latest being G.O.Ms.No.677 Revenue (A & R) , dated 03.09.1998. Through this G.O., the last date for submission of application in Form X was extended up to 31.10.1998. In that view of the matter, the application submitted by the second respondent cannot be treated as beyond the stipulated date. Therefore, this Court cannot interdict the proceedings before the first respondent.

Hence, the writ petition is disposed of, leaving it open to the petitioner to put forward his contentions on merits in the application submitted by the second respondent before the first respondent. There shall be no order as to costs.

16.02.2006

kdl